

record as specifying that life begins at conception.

There are serious threats to women, including women bearing children, that we need to address. Domestic violence is the single greatest cause of injury to women. Although the statistics vary, according to the American Medical Association, approximately four million women were physically abused by their husbands or live-in partners in 1998. That means that 10,959 women on average are abused every day. This statistic is deeply disconcerting.

Domestic violence crimes resulting in the loss of pregnancy are terribly tragic, and these acts should be punished, but H.R. 503 is not the proper approach to eradicating this problem. We need to concentrate our efforts on protecting abused women by passing measures, such as the reauthorization of the Violence Against Women Act, to promote protection from violence as well as increasing assistance to abused women. That is why I support the amendment proposed by the gentlewoman from California, Congresswoman LOFGREN.

Mr. Speaker, I strongly urge my colleagues to help these victims of violence and protect their well being. Domestic violence is a national concern, and we need to do everything within our capabilities to make sure that it receives due attention. Let us avoid passing any Federal law that will undermine a woman's right to choose as protected by the Constitution of the United States, and let us focus on the real issue at hand—eradicating violence against women.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support for H.R. 503, the Unborn Victims of Violence Act.

This important legislation would finally make it a separate Federal offense to cause death or bodily injury to a child in utero in the course of committing an already defined Federal offense. It is imperative that we hold criminals responsible for conduct that harms or kills an unborn child. I cannot understand the opposition to this bill. It will not affect abortion laws, it merely affirms that a violent act against a pregnant woman affects not only her but her unborn child as well. There are most certainly two victims in such crimes, as 24 States have already recognized.

I am horrified by stories such as that of Tracy Scheide Marciniak who was only 4 days from delivering her baby boy Zachariah. Four days. For 9 months she had been eagerly awaiting his arrival, planning for his birth and life, bonding with him in her womb. Unfortunately, her husband brutally attacked her, targeting a few blows specifically on her abdomen. Zachariah bled to death in her womb because of the blunt-force trauma. Tracy nearly died herself but did recover from her injuries and had to bury her baby boy without ever getting a chance to see him alive. At the time Wisconsin did not have an unborn victims law so Glendale Black was convicted on an assault to her alone and is now eligible for parole. The law did not recognize the loss of Zachariah's life and Glendale Black did not pay for his crime.

Ohio is one of the states where it is a crime to kill an unborn child in a violent act. Unlike Zachariah, Jasmine Robbins' father was prosecuted for her manslaughter. Gregory Robbins assaulted his wife Karlene who was 8 months pregnant with their daughter Jasmine. he repeatedly struck her in the face and abdomen.

Due to the assault, Karlene's uterus ruptured and Jasmine died. Gregory Robbins pled guilty to assault and battery to his pregnant wife and involuntary manslaughter for Jasmine's death.

Jasmine's murder is no less tragic than Zachariah's but at least her mother did not have to suffer the heartbreak of not having her murder recognized under our laws.

We live in a society that does not respect life and that troubles me. We have children killing children in our schools, husbands beating their wives, and other violent crimes signifying that we as a culture do not value and treasure life as we should. A good first step towards recognizing the miracle of life is to ensure that those who take a life are punished for their crime.

We cannot bring back Zachariah or Jasmine or the other hundreds of unborn children violently murdered. We can, and must, however, protect other unborn children from the same fate. We must respect life and make criminals pay for attacks against all Americans, born and in utero.

Mr. CAPUANO. Mr. Speaker, today I rise in opposition to H.R. 503, the Unborn Victims of Violence Act. While many proponents of this bill contend that it is necessary to protect pregnant women from assault which results in the death of her fetus, I believe that this bill could jeopardize a woman's right to choose. I say this because H.R. 503 attempts to legally recognize the fetus as a "person" with rights and interests separate from and equal to those of the woman. In fact, if H.R. 503 is enacted into law, it will be the first time a federal law recognizes a zygote, embryo, or fetus as an independent victim of crime entitled to full legal rights distinct from the woman.

I would like to make it clear that I am not advocating leniency for a perpetrator of abuse against a pregnant woman. Instead, I believe that we need to recognize that the true victim of a violent act is the woman first and foremost.

Last year, I supported the Motherhood Protection Act which established a separate offense for abusive conduct against a pregnant woman resulting in the termination of her pregnancy. This crime would be punishable by a fine and imprisonment of up to 20 years, and if the pregnancy is terminated, regardless of if it was intentional, the assailant could be sentenced to life in prison. I will support this substitute again today.

It is undeniably a tragedy when a violent act committed against a woman results in the termination of her pregnancy. Actually, I believe it is a tragedy when violence against women, whether pregnant or not, is carried out. However, I believe the best way to enforce the law is to help the woman, not unnecessarily bring the threat of rescinding the right to choose into the debate.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong opposition to H.R. 503, the Unborn Victims of Violence Act of 2001 and in support of the Lofgren-Conyers substitute.

While I fully support punishment for violent acts against women at any and every time, but most especially against pregnant women, the Unborn Victims of Violence Act of 2001 should be opposed. This bill as drafted will diminish, rather than enhance the rights of women and do nothing to protect pregnant women from violence.

Additionally, it is worthy to note, that H.R. 503 is unanimously opposed by a plethora of

groups whose mission is the protection of women's rights and who oppose domestic violence; including Planned Parenthood Federation of America, the Women's Law Center, the American Medical Women's Association, National Coalition Against Domestic Violence, National Council of Jewish Women and People for the American Way.

I support the Lofgren-Conyers substitute because it would protect pregnant women while upholding a woman's constitutional right to choose. We must focus on the goals that H.R. 503 calls for, which is to deter acts of violence against pregnant women that cause injury to their fetuses or the termination of a pregnancy. We must do so, however, without opening the door to overturning *Roe v. Wade* and making an abortion a federal crime.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to submit for the RECORD an article about Tracy Scheide Marciniak, a fellow Wisconsinite. She was brutally beaten 4 days before she was supposed to give birth to her son, Zachariah. I would like to submit her story for the RECORD.

Her husband at the time punched her twice in the abdomen and brutally beat her. Her husband refused to call for help until it was too late. By the time she reached the hospital, Zachariah had died from blunt force trauma. Her ex-husband, Glendale Black, was convicted of assaulting his wife, but not of murdering Zachariah, their unborn child.

In the aftermath of this violent crime, the Wisconsin Legislature enacted one of the nation's strongest unborn victim's laws. Regardless, there is no coinciding federal law. If this incident were to happen today in a federal jurisdiction, the killer would still only be prosecuted for assault. This needs to change.

H.R. 503, the Unborn Victims of Violence Act, can fix this injustice. Passage of this bill would make it a federal crime to harm an unborn child during a violent criminal act. Federal judges could impose the same punishment as if injury or death occurred to the unborn child's mother, except for the death penalty.

I disagree with those who believe that Zachariah was not yet a human being. Had his mother gone into labor a week before her husband abused her, Zachariah would today be a healthy and happy child. There was no difference between the Zachariah that was in his mother's womb when she was beaten with a Zachariah that may have been born a week earlier. He was still a living person. There should be no exception in the criminal code for violent acts on babies inside the womb as opposed to those who are in their mother's arms. The current law makes no logical sense and should be changed according to this act.

Zachariah is a biblical name. In the Bible, Zachariah and his wife Elizabeth were faithful followers of God's commandments. They never had any children and were both too old to do so. As Zachariah entered a room within the temple he presided over, Gabriel appeared before him and told him that he and his wife will have a son. God blessed this couple for being faithful. Their child was blessed, as was Tracy's child. In scripture, Zachariah means "God remembers."

We will not forget Zachariah. Because of him, hopefully violent offenders will not only be deterred from hurting pregnant mothers, but from harming their unborn children.

ONE VICTIM . . . OR TWO?

My name is Tracy Scheide Marciniak.